IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 10960 of 2000

For Approval and Signature:

Hon'ble MR.JUSTICE H.K.RATHOD

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the Civil Judge? : NO

NATWARSINH PRABHATSINH ZALA

Versus

STATE OF GUJARAT

Appearance:

MR BM MANGUKIYA for Petitioner

MR RC KODEKAR AGP for Respondent No. 1,2 & 4

MS PJ DAVAWALA for Respondent No. 3

CORAM : MR.JUSTICE H.K.RATHOD

Date of decision: 07/05/2001

ORAL JUDGEMENT

1. In the present petition, the petitioner has challenged the order of detention, which has been passed by the respondent no. 2 under the provisions of

Subsection 2 of Section 3 of the Prevention of Black Marketing and Maintenance of Supplies of Essential Commodities Act, 1980. The actual detention of the petitioner is dated 22nd July, 2000 in pursuance to the order dated 19th June, 1999. The learned AGP Mr. R.C. Kodekar appears on behalf of Respondent Nos. 1, 2 and 4, has submitted before this Court that detention order has been passed by the respondent no. 2 on 19th June, 1999 but in fact, the petitioner has been actually detained in pursuance to the detention order dated 19th June, 1999 on 22nd July, 2000 and considering the provisions of Section 13 of the Act, the maximum period of detention for which any person may be detained in pursuance of any detention order, which has been confirmed under Section 12, shall be six months from the date of detention. Therefore, learned AGP Mr. R.C. Kodekar has submitted that considering the date of actual detention dated 22nd July, 1999, six months period is over on 21st January, 2001 and thereafter, according to the instructions received from the concerned officer representing respondent no. 2 Mr. Dave, the present petitioner is already released from the detention and at present, petitioner is not detained in pursuance to the order of detention dated 19th June, 1999. In view of this factual position, learned AGP Mr. R.C. Kodekar has submitted that this petition has become infructous by passage of time.

2. I have considered the submissions and statements made by the learned AGP Mr. R.C. Kodekar and considering the relevant provision of Section 13 of the Provisions of Prevention of Black Marketing and Maintenance of Supplies of Essential Commodities Act, six months period is over from actual date of detention dated 22nd July, 1999 on 21st January, 2001 and therefore, petitioner is already released from the detention by the concerned authority and at present petitioner is not in detention in pursuance to the order dated 19th June, 1999. This petition has become infructous and therefore, it has been disposed of as become infructous. Rule is discharged.

(H.K. Rathod, J)

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